

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare – Rangareddy District – Attapur village, Rajendranagar Mandal – Acquisition of land to an extent of Ac.2.17 Gts. in Sy.No.62 for provision of house sites to the weaker section people – Release of difference amount of Rs.69,07,035/- towards decretal charges in EP NO.5/2005 in OP NO.111/96, to the District Collector, Rangareddy District, for depositing in the Court in compliance of the Court orders in W.PMPNo.2227/07 in WP No.1774 /07, dated 5-2-2007 – Permission accorded – Orders – Issued.

SOCIAL WELFARE (LA) DEPARTMENT

G.O.Rt.No. 284

Dated. 13-4-2009.

Read the following:-

1. G.O.Rt.No.280, Social Welfare (LA.2) Dept., dated.5-6-2007.
2. From the Govt.Pleader for L.A, High Court of A.P. letter No.CC 233/07/BSS/LA/2K9, dated.10-2-2009.
3. From the District Collector, Rangareddy, Lr.No.G/C2/2276/02, Dated.8-4-2009.
4. High Court order dated.16-2-2009 in LAASMP No.141 of 2009 in LAAS No.1986 of 2002.
5. From the G.P. for LA, High Court of AP, Hyderabad Lr.No.WP/2008/BSS/2K8, dated.30-3-2009.
6. From the Spl. Chief Secretary to Government and Chief Commissioner of Land Administration, Lr.No.G3/494/2009, dated.8-4-2009.
7. G.O.Rt.No.1946, Finance (Expr.SW) Dept., dated.13-4-2009.

ORDER:

The Spl.C.S. and CCLA, AP, Hyderabad in his letter 6th read above has forwarded the proposal of the District Collector, Rangareddy for release of the difference amount of Rs.69,07,035/- towards decretal charges for depositing in the Court in EP NO.5/2005 in OP NO.111/96, to the District Collector, Rangareddy District, in compliance with the Court orders in W.PMPNo.2227/07 in WP No.1774 /07, dated 5-2-2007.

2. In the G.O. 1st read above, orders were issued for release of an amount of Rs.64,02,535/- towards decretal charges for acquisition of land to an extent of Ac.2.17 Gts. in Sy.No.62, Attapur village, Rajendranagar Mandal, Rangareddy District, for provision of house sites to the weaker section people in compliance of the orders of Ist Addl.Senior Judge, Ranga Reddy District dt.18.2.2001 in OP NO.111/96, dated:28.02.2001.

3. Subsequently a Contempt Case No.233/07 in W.P.M.P.no.2227/07 in W.P.No.1774/07 was filed by Sri K. Chandra Reddy and others, for depositing of difference amount in the Court as per the Award of the reference Court of the Ist Addl.Senior Judge, Ranga Reddy District dt.18.2.2001 in OP NO.111/96, dated:28.02.2001, wherein it was ordered to pay interest from the date of taking possession of the land, i.e., 31.12. 1981.

4. In the reference 2nd read above, the Govt.Pleader for LA, has informed about the Contempt Case. The District Collector Ranga Reddy was requested to furnish certain information vide in Govt. Memo.dt.12-2-2009. The R.D.O Chevella Division, R.R. District vide his letter dated:14.03.2009 has furnished the following information:

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5. The District Collector, Ranrareddy District has stated that the land bearing Sy.no.62 admeasuring Ac.4-19 gts. Was originally classified as "Lawaris" and the Tahsildar, Rajendranagar passed orders in file No. B1/4923/80 dt27-7-1980 declaring the said land as "Escheats property". Aggrieved by the above orders the plaintiffs filed a suit in O.S.No. 22/81 before the Hon'ble Munsiff Magistrate West & South, Hyderabad wherein the proceedings of the Tahsildar were declared as null & void, and the court decreed that the plaintiffs are entitled for perpetual injunction and restrained the defendants from interfering in the possession of the petitioners, vide orders dated:19-4-1982. Subsequently the Collector, Ranga Reddy District vide Lr.No. C4/1760/81, dated:02-9-1983 directed the RDO Chevella to take action under Sec.3 Clause (1) of Tenancy Records (Correction) Rules, 1956 in respect of the Lawaris Lands bearing Sy.no.62 extent Ac.4-19 gts. Situated at Attapur village, Accordingly the RDO Chevella Division conducted enquiry and directed the MRO Rajendanagar to initiate land Acquisition proceedings in respect of Sy.No.62 as it is required for weaker section housing scheme.

6. The Land Acquisition proceedings were initiated by the MRO, Rajendranagar in the year 1986 and DN &DD proposals were sent in the year 1990 to an extent of AC.2-27 gts. To the DD(SW) Ranga Reddy District for approval. But the proposals for notification were not approved immediately and the reasons are not recorded in the file, meanwhile the Government imposed a ban on acquiring of lands for weaker section housing vide its memo No. 4297/C1/87-1, S.W.(c) Department dated:16-11-1987 and the ban was revoked on 06-1-1990 vide G.O.Ms.No.5 Social Welfare (c) Department. Subsequently the DN proposals were approved by the Collector and Published in the District Gazette dated:03-4-1996 and DD proposals approved by the Collector and published in Dist. Gazette dated 04-04-1996. After completion of award enquiry, the award was passed on 01-6-1996.

7. Further the Collector, RR District has stated that the interest was calculated from the date of D.N.i.e.18-4-1996.and the reasons for calculating the interest from the date of Draft Notification instead of from the date of taking possession i.e. 31-12-1981. are not recorded in the file.

8. The issue of calculation of interest was not raised in the A.S. filed before the Hon'ble High Court. The main issues raised in the A.S. are related to enhancement of the compensation from Rs. 50/- to Rs.270/- without deducting 50% of the value toward development charges and adopting 20% towards escalation over and above the market value etc.

9. The RDO Chevella Division Ranga Reddy District, further reported that a WPMP No. 2227/07 in W.P.No. 1774/07 was also filed by K.Chandra Reddy and two others and the Hon'ble court on 5-2-2007 has passed the following orders:

"In the aforesaid circumstances, the respondents are directed to deposit the entire amount due and payable in accordance with the award of the reference Court of the I Additional Senior Civil Judge, Ranga Reddy dated 18-02-2001 in O.P.No.111 of 1996, to the credit of E.P.No.5 of 2005, (less the amounts already paid , if any), within seven (7) days from the date of receipt of a copy of this order".

10. Accordingly, the Collector, Ranga Reddy District/Commissioner of Social Welfare furnished the proposals to the Government and orders were issued in G.O.Rt.No.280 SW(LA) Department dt.5.6.2007 for release of an amount of Rs.64,02,535/- towards decretal charges in Opno.111/96 to comply with Court orders.

(contd..3)

11. Subsequently, a contempt petition No. 233/07 was filed by Sri. K.Chandra Reddy & (2) others for not implementing the orders of the Hon'ble Court passed in WPMP No. 2227/07 in W.P.No. 1774/07, dated.5-2-2007.

12. In the meanwhile, an Extension Stay Petition in LAASMP No. 141/09 in CMP No. 20451/2002 in A.S.No. 1986/2002 was filed by the Land Acquisition Officer, Ranga Reddy District, seeking the Court to extend the time granted on 05-11-2002 in CMP No. 20451/2002 in A.S.No. 1986/02 against O.P.No.111/1996 till the date of deposit i.e. 11-06-2007.

13. The Division Bench of the Hon'ble High Court in its order dated:16.02.2009 in LAASMP No.141 of 2009 in LAAS No. 1986/2002 has issued ordered that **“all further proceedings are stayed, pending further orders”**.

14. Subsequently, the Govt. Pleader (LA) High Court of A.P. in letter dated. 02-03-2009, requested to deposit the difference amount and to take appropriate steps in the appeal not to withdraw the amount pending the Appeal in the Division Bench of the High Court of A.P and also opined that the deponent will have to face the Contempt Proceedings as it is prima facie clear that false counter has been filed in the Contempt Case as it is true that the amount is not deposited as per the orders in O.P.No. 111/96.

15. In view of the instructions issued by the Government Pleader, the Collector, Rangareddy District reported that the difference amount has been calculated as Rs.69,07,035/- by considering the additional market value @ 12% per annum from 3-12-1981 to 01-06-1996 (From the date of taking possession to the date of passing award) and also as per the opinion given by the Government Pleader, the RDO, Chevella has requested to release an amount of Rs.69,07,035/- for depositing in the Civil Court, so as to avoid Contempt Proceedings.

16. The Spl. Chief Secretary to Government and Chief Commissioner of Land Administration, AP, Hyderabad in his letter dated:08.04.2009, has forwarded the proposals of the District Collector, Ranga Reddy District for sanction of an amount of Rs.69,07,035/- towards decretal charges in EP NO.5/2005 in OP NO.111/96.

17. In view of the above circumstances, Government have examined and hereby accord permission to the Commissioner of Social Welfare, Hyderabad. for release of an amount of Rs.69,07,035/- (Rupees sixty nine lakhs seven thousands and thirty five only) towards decretal charges in EP NO.5/2005 in OP NO.111/96, to the District Collector, Rangareddy District, as proposed by the CCLA, for depositing in the Court in compliance of the Court orders in W.PMPNo.2227/07 in WP No.1774 /07, dated 5-2-2007, subject to the outcome of pending Appeals before the Hon'ble High Court of A.P. in LAASMP No.141 of 2009 in LAAS No. 1986/2002

18. The amount sanctioned in para (17) above shall be debited to the head of Account ““2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes - 01- Welfare of Scheduled Castes – M.H.283 - Housing - G.H.11-Normal State Plan - SH(06) Acquisition of House sites to weaker sections in Urban Areas under Indiramma Programme - 310/312 – other Grant-in-aid” from the funds released vide Budget Release Order 7th read above.

19. The Commissioner of Social Welfare, Hyderabad shall take necessary action to draw the amount sanctioned and issue necessary proceedings to the District Collector, Rangareddy to deposit the amount in the Hon'ble Court.

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20. The District Collector, Rangareddy shall verify the calculation sheet submitted by the Land Acquisition Officer once again before issue of proceedings for releasing the amount, if any discrepancy / excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible. He is also requested to take appropriate steps in the appeal not to withdraw the above amount deposited in the Court, till the outcome of the Appeal in LAASMP No.141 of 2009 in LAAS No. 1986/2002 before the Hon'ble High Court of A.P.

21. This order issues with the concurrence of Finance (Expr.SW) Department, vide their U.O.No.10558-B/160/A1/Expr,.SW/09, dated.13-4-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. TIGIDI,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Social Welfare, Hyderabad.

The Spl.C.S. & Chief Commissioner of Land Administration, AP, Hyderabad.

The District Collector, Rangareddy, Hyderabad.

The Director of Treasuries and Accounts, AP, Hyderabad.

The Pay and Accounts Officer, AP, Hyderabad.

The Accountant General, AP, Hyderabad.

Copy to:

The Finance (Expr.SW) Dept.,

The Revenue Department.

The Law Department.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER